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November 7, 2003

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St, SW
Washington, DC 20554

Re: CS Docket 98-120

Dear Ms. Dortch:

On November 6, 2003, I met with FCC Commissioner Jonathan Adelstein and his legal aide Johanna Shelton. CDD expressed its opposition to any digital must-carry decision for commercial broadcasting prior to a rulemaking on issues related to revised public interest obligations. Commercial broadcasting has not yet made the case that such a policy is mandated. Only through specifically defining how terrestrial digital commercial broadcasting effectively serves the "public interest" can such a policy be legitimately approved.

We did urge that the cable industry must be required to carry signals that provide the public with a range of public interest communication and information beyond its own programming services. Cable is the key medium for television in the US, controlling more than two-thirds of all households. Cable also controls the emerging key infrastructure for program delivery, including DVR devices in set-top boxes and VOD systems. We specifically urged the FCC to also strengthen leased access rules.

Finally, we also discussed digital must carry for public television. Regardless of PBS's educational prowess, and despite the indisputable quality of much of its programming, multicasting cannot simply mean "more of the same" if DTV is going to realize its full potential-or, indeed, if public broadcasting is going to fulfill its original mandate. "[I]t furthers the public interest," as the Public Broadcasting Act of 1967 declared, "to encourage public telecommunications services which will be responsive to the interests

of people . . . , which will constitute an expression of diversity and excellence, and which will constitute a source of alternative telecommunications services for all the citizens of the Nation; . . . programming that involves creative risks and that addresses the needs of unserved and underserved audiences, particularly children and minorities. . . ."

Diversity and risk are not the terms that spring immediately to mind when assessing PBS's polished, often predictable prime-time schedule these days, "Frontline" and "Now" notwithstanding. Certainly the original Carnegie Commission on Educational Television envisioned something far more daring when it authored the report (*Public Television: A Program for Action*) that helped launch the new system over 30 years ago, calling for a noncommercial alternative to NBC, CBS and ABC. Public broadcasting, according to the commission, "should seek out able people whose talents might otherwise not be known and shared." As a genuinely public system, moreover, "it should provide a voice for groups in the community that may otherwise be unheard... a forum for debate and controversy." And in words that sound especially poignant today, in light of the casualties of the culture wars, "[its] programs should have the means to be daring, to break away from narrow convention, to be human and earthy."

The expanded capacity of multicasting and the increased flexibility of "enhanced TV"(PBS's term for its TV/Web hybrid projects) have the potential to provide a platform for many new voices-"for the experimenter, the dissenter, the visionary," in the words of the original Carnegie Commission-breathing new life into public broadcasting in the process. In the final analysis, accommodating those new voices, putting public broadcasting back in touch with its founding principles, may turn out to be the digital TV revolution's most revolutionary aspect of all.

Sincerely,

Jeffrey A. Chester
Executive Director